

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

GREGORY C. ROLLINS,)
v. Plaintiff,) Case No. 07-0818-CV-W-SWH
SUN LOAN COMPANY,)
Defendant.)

ORDER

Pending before the Court is plaintiff's request for leave to proceed in forma pauperis, doc. # 1, and plaintiff's application for appointment of counsel, doc. # 2. The Court previously entered an Order deferring any ruling on the motion for leave to proceed in forma pauperis in order to allow plaintiff the opportunity to provide information to the Court that would suggest the presence of a basis for federal court jurisdiction. Specifically, the Court expressed the following concern:

Based upon the information currently before the Court, the Court is concerned that it may lack subject matter jurisdiction over plaintiff's action. The Civil Cover Sheet (attachment 4 to document 1) which plaintiff filed with his Application and complaint indicates that plaintiff relies on diversity of citizenship to support subject matter jurisdiction. For diversity of citizenship to exist, the action must be between citizens of different states and the matter in controversy must exceed \$75,000 in value. 28 U.S.C. § 1332(a). Plaintiff is a resident of the state of Missouri. (See, Civil Complaint, attachment 3 to document #1) The problem is that nowhere in the documents filed does plaintiff provide an address for defendant. The Civil Cover Sheet indicates that defendant is a resident of the county of Jackson, which the Court surmises is Jackson County, Missouri. If so, there is no diversity of citizenship between plaintiff and defendant. Additionally, the complaint pleads damages in the amount of \$10,000. Thus, even if diversity of citizenship exists between plaintiff and defendant, the amount in controversy does not exceed the jurisdictional amount of \$75,000.

(Doc. # 3 at 2-3)(footnote omitted) The Order gave plaintiff 30 days in which to submit additional information to support federal court jurisdiction.

The plaintiff did not respond to the Court's Order. Federal courts are not courts of general jurisdiction and can only hear actions that are specifically authorized. Plaintiff has indicated that he is suing under diversity of citizenship, but the complaint does not allege the citizenship of the defendant. As previously noted, the Civil Cover Sheet indicates that both parties are citizens of Missouri. Additionally, the complaint appears to seek damages of only \$10,000, an amount below the jurisdictional limit in diversity cases. On the basis of the present pleadings, it does not appear that the Court has subject matter jurisdiction.

Given the above finding, plaintiff's request for the appointment of counsel would appear to be premature. Additionally, plaintiff has failed to demonstrate that it would be appropriate for the Court to appoint counsel. Plaintiff has not demonstrated that unusual or rare circumstances warrant treating him differently from other civil litigants in federal court who would be required to hire their own attorneys.¹ Therefore, it is

ORDERED that the motion for leave to file the action in forma pauperis, doc. # 1, is denied without prejudice to plaintiff's right to file a paid complaint or to renew his request for in forma pauperis status after setting forth a valid basis for federal court jurisdiction in an amended complaint.

It is further

ORDERED that plaintiff's Application for Appointment of Counsel, doc. # 2, is denied.

/s/ Sarah W. Hays

SARAH W. HAYS
UNITED STATES MAGISTRATE JUDGE

¹If plaintiff has not already done so, the Court would encourage him to contact Legal Aid of Western Missouri (816/474-6750) and enlist the assistance of this organization in obtaining counsel.